

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 368

SENATE BILL 1371

AN ACT

AMENDING SECTION 13-902, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3725; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1604.08; MAKING APPROPRIATIONS; RELATING TO ELECTRONIC MONITORING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-902, Arizona Revised Statutes, is amended to read:

13-902. Periods of probation

A. Unless terminated sooner, probation may continue for the following periods:

1. For a class 2 felony, seven years.
2. For a class 3 felony, five years.
3. For a class 4 felony, four years.
4. For a class 5 or 6 felony, three years.
5. For a class 1 misdemeanor, three years.
6. For a class 2 misdemeanor, two years.
7. For a class 3 misdemeanor, one year.

B. Notwithstanding subsection A of this section, unless terminated sooner, probation may continue for the following periods:

1. For a violation of section 28-1381 or 28-1382, five years.
2. For a violation of section 28-1383, ten years.

C. When the court has required, as a condition of probation, that the defendant make restitution for any economic loss related to the defendant's offense and that condition has not been satisfied, the court at any time before the termination or expiration of probation may extend the period within the following limits:

1. For a felony, not more than three years.
2. For a misdemeanor, not more than one year.

D. Notwithstanding any other provision of law, justice courts and municipal courts may impose the probation periods specified in subsection A, paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

E. After conviction of a felony offense or an attempt to commit any offense that is included in chapter 14 or 35.1 of this title or section 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may continue for a term OF not less than the term that is specified in subsection A of this section up to and including life and that the court believes is appropriate for the ends of justice.

F. After conviction of a violation of section 13-3824, subsection A, if a term of probation is imposed and the offense for which the person was required to register was a felony, probation may continue for a term OF not less than the term that is specified in subsection A of this section up to and including life and that the court believes is appropriate for the ends of justice.

G. BEGINNING NOVEMBER 1, 2006, AFTER CONVICTION OF A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-604.01, IF A TERM OF PROBATION IS IMPOSED, THE COURT SHALL REQUIRE GLOBAL POSITION SYSTEM MONITORING FOR THE DURATION OF THE TERM OF PROBATION.

1 Sec. 2. Title 13, chapter 37, Arizona Revised Statutes, is amended by
2 adding section 13-3725, to read:

3 13-3725. Interference with monitoring devices; classification

4 A. A PERSON COMMITS INTERFERENCE WITH MONITORING DEVICES BY EITHER:

5 1. BEING REQUIRED TO BE ON ELECTRONIC MONITORING OR GLOBAL POSITION
6 SYSTEM MONITORING AND REMOVING OR BYPASSING ANY DEVICE OR EQUIPMENT THAT IS
7 NECESSARY FOR THE ELECTRONIC MONITORING OR GLOBAL POSITION SYSTEM MONITORING.

8 2. ASSISTING ANY PERSON WHO IS REQUIRED TO BE ON ELECTRONIC MONITORING
9 OR GLOBAL POSITION SYSTEM MONITORING IN REMOVING OR BYPASSING ANY DEVICE OR
10 EQUIPMENT THAT IS NECESSARY FOR THE ELECTRONIC MONITORING OR GLOBAL POSITION
11 SYSTEM MONITORING.

12 B. A VIOLATION OF THIS SECTION IS A CLASS 4 FELONY.

13 Sec. 3. Title 41, chapter 11, article 1, Arizona Revised Statutes, is
14 amended by adding section 41-1604.08, to read:

15 41-1604.08. Global position system monitoring

16 A. THE DEPARTMENT SHALL ASSIGN ANY PERSON WHO IS IN THE CUSTODY OF THE
17 DEPARTMENT AND WHO WAS CONVICTED OF A VIOLATION OF SECTION 13-604.01 TO A
18 GLOBAL POSITION MONITORING SYSTEM ON THE PERSON'S RELEASE ON PAROLE,
19 COMMUNITY SUPERVISION, WORK RELEASE OR OTHER CONDITIONAL OR TEMPORARY
20 RELEASE.

21 B. THE DEPARTMENT MAY ENTER INTO A CONTRACT FOR THE PROVISION OF
22 GLOBAL POSITION MONITORING SERVICES.

23 Sec. 4. Joint legislative study committee on global position
24 system monitoring; report

25 A. The joint legislative study committee on global position system
26 monitoring is established consisting of the following members:

27 1. Two members of the senate who are appointed by the president of the
28 senate and who are members of different political parties.

29 2. Two members of the house of representatives who are appointed by
30 the speaker of the house of representatives and who are members of different
31 political parties.

32 3. Two judges, one of whom is from a county with a population of more
33 than five hundred thousand persons and one of whom is from a county with a
34 population of less than five hundred thousand persons and who are appointed
35 by the chief justice of the supreme court.

36 4. Two probation officers, one of whom is from a county with a
37 population of more than five hundred thousand persons and one of whom is from
38 a county with a population of less than five hundred thousand persons and who
39 are appointed by the chief justice of the supreme court.

40 5. Two victim's advocates, one of whom is appointed by the president
41 of the senate and one of whom is appointed by the speaker of the house of
42 representatives.

43 6. The director of the department of corrections or the director's
44 designee.

1 7. One representative of the administrative office of the courts who
2 has experience with the provision of probation services and who is appointed
3 by the chief justice of the supreme court.

4 8. One chief of police or county sheriff who is appointed by the
5 president of the senate.

6 B. The committee shall review issues relating to:

7 1. The implementation of global position monitoring systems as
8 required by Senate Bill 1371, forty-seventh legislature, second regular
9 session.

10 2. The use of active global monitoring systems compared to the use of
11 passive global monitoring systems and the costs associated with both systems.

12 3. The types of crimes for which active or passive global positioning
13 system monitoring should be required.

14 4. The use of active and passive global positioning monitoring systems
15 in other states.

16 5. The appropriate staffing levels to administer active or passive
17 global positioning monitoring systems.

18 6. The role of a law enforcement agency in monitoring active or
19 passive global positioning monitoring.

20 C. The president of the senate and the speaker of the house of
21 representatives shall each select a cochairman of the committee.

22 D. The committee shall submit a written report regarding the
23 committee's activities and recommendations on or before December 1, 2006 to
24 the governor, the president of the senate and the speaker of the house of
25 representatives, and provide a copy of this report to the secretary of state
26 and the director of the Arizona state library, archives and public records.

27 Sec. 5. Appropriations; purpose; exemption

28 A. The sum of \$750,000 is appropriated from the state general fund in
29 fiscal year 2006-2007 to the state department of corrections for the purpose
30 of funding electronic monitoring of sex offenders.

31 B. The sum of \$750,000 is appropriated from the state general fund in
32 fiscal year 2006-2007 to the supreme court for the purpose of funding
33 electronic monitoring of sex offenders.

34 C. The appropriations made in subsections A and B of this section are
35 exempt from the provisions of section 35-190, Arizona Revised Statutes,
36 relating to lapsing of appropriations through June 30, 2008.

37 Sec. 6. Delayed repeal

38 Section 4 of this act relating to the study committee on global
39 position system monitoring is repealed from and after December 31, 2006.

40 Sec. 7. Emergency

41 This act is an emergency measure that is necessary to preserve the
42 public peace, health or safety and is operative immediately as provided by
43 law.

APPROVED BY THE GOVERNOR JUNE 21, 2006.

FILED IN THE OFFICE OF THE ³SECRETARY OF STATE JUNE 21, 2006.